

ORDINANCE

This Ordinance Repeals the Jefferson County Dog Ordinance adopted and enacted on the 26th day of August 1982, and all such amendments of said ordinance.

AN ORDINANCE OF THE COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA, CONCERNING THE MANAGEMENT AND CONTROL OF DOGS IN THE COUNTY OF JEFFERSON, STATE OF WEST VIRGINIA, AND IS ADOPTED UNDER THE AUTHORITY OF THE STATE CODE OF WEST VIRGINIA, AS AMENDED, CHAPTER 19, ARTICLE 20A, SECTION 8.

1. PURPOSE

This ordinance is enacted for the purpose of controlling and managing the population of dogs in Jefferson County, West Virginia, outside of its incorporated municipalities and territories; to constrain dogs within the boundaries of the County from attacking, wounding or killing persons, livestock, and other domestic and wild animals; to prevent dogs from forming packs roaming wild in rural areas and posing a threat to the health and safety of the citizens and their property; to enable better control and prevent female dogs from producing unwanted litters; to ensure that safe, clean and humane conditions exist for all dogs captured by the County Dog Ward/Animal Control Officer or Humane Officer; to enhance the placement of such captured dogs with responsible owners; to prevent the transmission of disease and to place the responsibility for the proper care, safe maintenance and proper registration of dogs with their respective owners or keepers.

2. INTERRELATIONSHIP BETWEEN ORDINANCE AND STATE CODE

The following provision contained in the State Code of West Virginia, as amended do not appear in this Ordinance, but are administered in conjunction and in addition to the Ordinance.

Chapter 19, Article 20, State Code of West Virginia entitled "Dogs and Cats."

Chapter 19, Article 20A, State Code of West Virginia entitled "Vaccination of Dogs and Cats for Rabies."

Chapter 7, Article 10, State Code of West Virginia entitled "Humane Officers."

Chapter 61, Article 8, Sections 19-23, State Code of West Virginia, relating to animals.

3. DOGS RUNNING AT LARGE - CONTROL OF DOGS BY OWNERS

All dogs in the unincorporated areas of Jefferson County shall be kept under control by the owner or supervisor of the dog. The county license and rabies vaccination tags shall be attached to the collars of all dogs. The Jefferson County Dog Warden/Animal Control Officer, Humane Officer or any duly sworn officer having jurisdiction in Jefferson County, are hereby authorized to seize dogs not under control or do not have a county license and rabies vaccination tags attached to the collars of the dogs, and are to hold such dogs at the county Dog Pound/Animal Control Office for a period of five (5) days or until the owner of such dogs pays the pound fees and costs due under section 4 of this ordinance, whichever is shorter. Dogs not picked up by the owner within five (5) days shall become the property of the county and destroyed by the dog warden/animal control officer if no responsible new owner is found.

Dogs engaged in legal hunting activities, lawful training activities, lawful herding or other farm related activities not in residential areas shall not be subject to this section of the Ordinance.

All dogs must have a current tag indicating that the applicable county taxes or fees have been paid and/or any dog which does not have a tag indicating that having a rabies vaccination, shall be considered uncontrolled and subject to seizure.

4. IMPOUNDMENT OF DOGS AND FEES FOR IMPOUNDMENT

All dogs seized and impounded as provided for in this ordinance shall be housed and cared for in the Jefferson County Dog Pound, Animal Control Office for a period of five (5) days after notice of seizure and impounding shall have been given or posted as required by Chapter 19, Article 20, Section 6 of the State Code of West Virginia. The fees for such impoundment shall be as follows:

Seizing dog and delivery to pound	\$ 50.00 _____
Housing and care of dog per day	\$ 5.00 _____
Any necessary or required veterinary care	\$ <u>Cost of Care</u> _____

All persons paying fees and costs shall be given a signed and dated receipt for the total sum collected.

If any person shall fail to pay the fees and costs assessed within 20 days of the assessment, the County Commission of Jefferson County may institute legal proceedings for collection of the same, including all fees and costs expended in the collection effort.

5. DEFINITIONS

Control:

- A Dog Shall be considered under control in the unincorporated areas of Jefferson County if it is secured by a leash.
- Dogs are considered under control if they are restrained by a fence on property owned or leased by the dog owner or supervisor.
- Dogs shall also be considered under control if they are under the direct supervision of the owner or appointed supervisor on property owned or leased by the dog owner or supervisor.

Legal Hunting Activities:

The following provisions must apply for a dog to be considered engaged in a legal hunting activity:

- The property on which the hunting occurs must not be posted to prohibit hunting.
- The game being hunted must be in season.
- The persons hunting must be licensed to do so.

6. SEVERABILITY

If a court of competent jurisdiction declares any provision of this ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be involved or ineffective, and all other provisions of the Ordinance shall continue to be separately and fully effective.

7. EFFECTIVE DATE

This Ordinance shall become effective on and after passage and upon adoption by the County Clerk of Jefferson County.

Passed and adopted by the County Commission of Jefferson County on this 8th day of July, 2004, effective the 1st day of September, 2004.

Dated this 8th day of July, 2004.

/s/ _____
A.G. Hooper, Jr.
President
Jefferson County Commission